IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8688 OF 2007

Satish Sambhaji Rasam ...Petitioner

Versus

Union of India and anrs. ....Respondents

Sandip Sabnis for the petitioner.

Mr.S.R.Rajguru,for the respondents.

CORAM: S.C.DHARMADHIKARI, J.

29th November, 2007

P.C. :

1. After this petition was heard for some time, the only relief as pressed by Mr.Shinde, appearing for the petitioner is that he has instructions from the petitioner to request this court for grant of some time to vacate the subject/premises.

2. Mr.Shinde presses for time till 30.4.2008, which request is strongly and vehemently opposed by Mr.Rajguru.

3. Since the order of eviction is dated 7.2.2003 and the petitioner could have very well searched and acquired alternate accommodation till the appeal was disposed off, to my mind granting of time till 30.4.2008 would not be in the interest of justice. However, considering the facts and circumstances, time to vacate is granted till 28.2.2008, upon the petitioner executing an Undertaking in this court in the following terms.

(a) that he is in possession, use and occupation of the subject/premises.

(b) that he has not inducted anybody nor he will induct anybody in the premises, in any manner, whatsoever.

(c) that he will not transfer, alienate, encumber or part with possession thereof.

(d) that he shall continue to pay the compensation till the time the premises are

vacated.

(e) that he will hand over the vacant and peaceful possession thereof on 28.2.2008 without seeking any further extensions in whatsoever circumstances.

4. In default of this Undertaking, which must be filed within a period of 10 days from today, the impugned orders are liable to be enforced and executed. In that event, the petitioner be evicted with necessary police assistance. Upon default in vacating as undertaken, in case the undertaking is filed, the petitioner would be liable to be evicted with such force as is necessary and is permissible in law. Petition dismissed.

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